

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANDREW RUIZ,

Plaintiff,

vs.

VIPIN SHAH,

Defendant.

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Case No. 17-CV-107-SMY-RJD

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Reona J. Daly (Doc. 46) recommending that the Court grant Defendant Vipin Shah's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies (Doc. 38). No objections to the Report have been filed. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2); SDIL-LR 73.1(b). For the following reasons, Judge Daly's Report and Recommendation is **ADOPTED**.

When neither timely nor specific objections to a Report and Recommendation are made, the Court need not conduct a *de novo* review. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court reviews the Report for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Here, Judge Daly thoroughly discussed and supported her conclusion that Plaintiff failed to exhaust his available administrative remedies regarding his claims in this case. The Court fully agrees with Judge Daly's findings, analysis and conclusions, and **ADOPTS** her Report and

Recommendation in its entirety. Accordingly, Plaintiff's claim is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to close the case.

IT IS SO ORDERED.

DATED: November 15, 2018

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge